

REMARKS

Applicant has studied the Office Action dated April 7, 2009. Claims 1, 4, 7, 8, and 10-26 are pending. Claims 11-22 have been withdrawn from consideration due to a previous restriction requirement. Claim 1 has been amended to more clearly claim disclosed embodiments and claim 26 has been newly added. Claims 1, 11, 12, 19, 21, and 22 are independent claims. It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

Claim for Foreign Priority under 35 U.S.C. § 119

It is respectfully noted that the Examiner has not acknowledged the Applicant's claim for foreign priority under 35 U.S.C. § 119 in any of the Office actions including the outstanding Office action and previous Office actions. It is respectfully submitted that the foreign priority information is indicated in the Declaration filed with the application on March 5, 2002. In addition, a certified copy of the priority document, 2001-0012149, filed on March 9, 2001, was forwarded to the USPTO on April 6, 2005 and received by the USPTO on April 11, 2005 as confirmed from the PAIR system.

Accordingly, it is respectfully requested that the Examiner acknowledge Applicant's claims for foreign priority under 35 U.S.C. § 119 and receipt of the certified copy of the foreign priority document.

§ 112 Rejections

The Examiner rejected claims 1, 4, 7, 8, 10, and 23-25 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, with regard to the rejection of claim 1, the Examiner asserted that the disclosure in the specification does not support "both the first and second data types being in the main data area."

With this paper, independent claim 1 has been amended and no longer recites "both of which are located at the main data area." It is respectfully asserted that the grounds for the rejections of independent claim 1 and its dependent claims 4, 7, 8, 10,

and 23-25 have been overcome. It is respectfully requested that the Examiner withdraw the rejection.

§ 103 Rejections

Claims 1, 4, 7, 8, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heemskerk et al. ("Heemskerk" U.S. Patent No. 6,628,584) in view of Lee et al. ("Lee" U.S. Patent No. 6,442,128). This rejection is respectfully traversed.

With regard to the rejection of independent claim 1, the Examiner asserts that Heemskerk discloses a first data type (information units 32, 34, 36, in Figure 3) and a second data type (linking areas 33 and 35 in Figure 3), and that the first data type comprises at least one error correcting code (ECC) data unit because column 3, lines 44-46 of Heemskerk discloses that "the unit comprises a number of frames which contain Error Correction Codes." The Examiner further asserts that Heemskerk discloses that the at least one error correcting code (ECC) data unit comprises a plurality of sub-units, stating that "it is well known in optical storage media, each ECC data unit comprises 'sectors.'" It appears that the Examiner asserts that the "sectors," which is not explicitly disclosed in Heemskerk, is analogous to the plurality of sub-units recited in independent claim 1.

Independent claim 1, as amended, recites that a size of the second data type is the same as a size of each of the plurality of sub-units. Despite the Examiner's asserted disclosure of Heemskerk as discussed above, Heemskerk fails to disclose or suggest at least this feature recited in independent claim 1, as Heemskerk is silent regarding the size of the asserted second data type in relation to the asserted plurality of sub-units or a sub-unit. Moreover, Lee fails to cure the above identified deficiencies of Heemskerk with respect to independent claim 1.

Therefore, it is respectfully asserted that independent claim 1 is allowable over the cited combination of references. It is further respectfully asserted that claims 4, 7, 8, and 10, which depend from claim 1, also are allowable, at least, by virtue of their dependency from the allowable base claim.

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heemskerk and Lee in view of the admitted prior art. The rejection is respectfully traversed.

As asserted above, independent claim 1 is allowable over Heemskerk and Lee. Moreover, it is respectfully submitted that the admitted prior art fails to cure the above-identified deficiencies of Heemskerk and Lee with respect to independent claim 1. Therefore, it is respectfully asserted that independent claim 1 is allowable over the cited combination of references. It is further respectfully submitted that claims 23-25, which depend from claim 1, also are allowable over the cited combination of references.

New Claim

With this paper, new claim 26 has been added. It is respectfully submitted that the new claim has support in canceled claim 2 as originally filed. It is respectfully asserted that claim 26, which depends from independent claim 1, is allowable at least by virtue of its dependency from the allowable base claim.

CONCLUSION

In view of the above remarks, Applicant submits that all pending claims of the present application are in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned agent at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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